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13 and YOLO COUNTY BOARD OF
14 SUPERVISORS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

17 GRANITE CONSTRUCTION COMPANY, A
18 California corporation,

19 Plaintiff,

20 v.

21 COUNTY OF YOLO, a political subdivision
22 of the State of California, and YOLO
COUNTY BOARD OF SUPERVISORS,

23 Defendants.
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Case No. 2:21-CV-01362-JAM-JDP
Hon. John A. Mendez

**STIPULATION AND ORDER
MODIFYING PRETRIAL SCHEDULING
ORDER**

STIPULATION MODIFYING PRETRIAL SCHEDULING ORDER

The parties, through their respective counsel, submit this Stipulation to extend certain of the deadlines provided in the Court's Order dated October 4, 2021 (ECF No. 11). A proposed order is attached as required under Local Rule 143(b).

1. Presently, the key dates stated in the Scheduling Order are:

- A. Discovery Cutoff, April 15, 2022;
- B. Dispositive Motion Cutoff, July 22, 2022;
- C. Final Pretrial Conference, October 21, 2022; and
- D. Trial, December 5, 2022.

2. The parties have engaged in substantial written discovery and document production, and have scheduled, or intend to schedule, several depositions to be conducted before the current discovery cutoff.

3. In the last few weeks, the parties have conducted preliminary settlement discussions that could resolve this case. To facilitate their ongoing discussions, the parties have also determined that they should suspend their current discovery efforts and focus all their time and attention to resolving their disputes.

4. To provide for meaningful settlement discussions, the parties stipulate to modify the Pretrial Scheduling Order to extend the Discovery Cutoff and Dispositive Motion Cutoff by 90 days each, i.e., to July 14, 2022 and October 20, 2022, respectively. (Because the parties did not disclose expert witnesses per Fed. R. Civ. Proc. 26(a)(2), they do not seek to modify the expert-witness disclosure deadline, which has passed.) The parties further stipulate that their Joint Mid-Litigation Statements continue to be filed 14 days prior to the newly set Discovery Cutoff.

6. Because the foregoing stipulations would prevent the case from being tried on its currently scheduled trial date, the parties request that the Court continue the trial date to the first available date on or after March 6, 2023, and that it set a Final Pretrial Conference on a suitable date in advance of the new trial date.

7. Beginning on the date the parties execute this Stipulation, the parties agree they shall suspend all discovery, including as to (i) any current or potential motion practice regarding any

1 pending interrogatories, requests for admission, or requests for production of documents; (ii) the
2 propounding of any additional sets of interrogatories, requests for admission, or requests for
3 production of documents; and (iii) the taking of any depositions. Depositions scheduled as of the
4 date the parties sign the Stipulation shall be taken off calendar.

5 8. Beginning on the date they execute this Stipulation, the parties agree to in good faith
6 use their best efforts to reach a settlement of their disputes and to pursue settlement discussions for
7 such time as is reasonably necessary to accomplish these commitments.

8 9. If, after making the effort required by the preceding paragraph, any party reasonably
9 believes further settlement discussions would not be productive, it shall give notice electronically
10 to the other party's counsel that it intends to resume discovery and active litigation of this matter.
11 Upon the giving of such notice, any party may, beginning on the next court day and thereafter,
12 engage in any discovery activity, including engaging in the meet and confer process for existing
13 discovery, propounding additional written discovery, and noticing depositions.

14 So stipulated.

15 Dated: March 18, 2022

COLE HUBER LLP

17 By: /s/ Derek P. Cole

18 Derek P. Cole
19 Attorneys for Defendants COUNTY OF YOLO, a
20 and YOLO COUNTY BOARD OF
SUPERVISORS

21 Dated: March 18, 2022

HARRISON, TEMBLADOR, HUNGERFORD &
GUERNSEY

24 By: /s/ Mark D. Harrison

25 Mark D. Harrison
26 Attorneys for Plaintiff GRANITE
CONSTRUCTION COMPANY

ORDER

For good cause shown, the Court approves the parties' Stipulation and orders that the parties comply with all the terms and conditions as stated. To allow the parties to pursue meaningful settlement discussions, the Court modifies the schedule stated in its October 4, 2021 Order (ECF No. 11) as follows.

1. The discovery cutoff is extended to July 14, 2022.
2. The parties shall provide their Joint Mid-Litigation Statements by 14 days prior to the new discovery cutoff date.
3. The deadline for dispositive motions is extended to October 20, 2022.
4. The hearing date for any dispositive motions shall be January 10, 2023, at 1:30 PM.
5. Trial in this action is continued to April 3, 2023, at 9:00 AM.
6. The Final Pre-Trial Conference is continued to February 24, 2023, at 10:00 AM.
7. All other deadlines identified in, and requirements of, the Court's October 4, 2021 Pretrial Scheduling Order (ECF No.11) shall remain the same.

IT IS SO ORDERED.

DATED: March 18, 2022

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE

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